

DECLARATORY  
Improvement Res. No. 786

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For the vacation of the first alley east of St. Mary's Avenue and running south from the south line of the alley south of High Street as platted and shown in the plat of Schroeder's Subdivision to the City of Fort Wayne, Indiana

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Resolution Adopted:

Tues. February 10, 1948, 10:00 A.M.

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Confirmed:

March 4, 1948

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Bids Received:

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Contract Awarded:

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Contract and Bond:

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Contractor:

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Reported Completed:

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Assessment Roll Confirmed:

March 25, 1948

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DECLARATORY RESOLUTION NO. 786 - 1948

FOR THE VACATION OF THE FIRST ALLEY EAST OF ST. MARY'S AVENUE AND RUNNING SOUTH FROM THE SOUTH LINE OF THE ALLEY SOUTH OF HIGH STREET AS PLATTED AND SHOWN IN THE PLAT OF SCHROEOER'S SUBDIVISION TO THE CITY OF FORT WAYNE, INDIANA.

RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE, INDIANA THAT IT IS DEEMED NECESSARY TO VACATE THE FIRST ALLEY <sup>EAST OF ST. MARY'S</sup> SOUTH OF HIGH STREET AS PLATTED AND SHOWN IN THE PLAT OF SCHROEOER'S SUBDIVISION TO THE CITY OF FORT WAYNE, INDIANA.

ALL AS SHOWN BY A PLAN OF SUCH PROPOSED ALLEY VACATION AS ABOVE DESCRIBED, NOW ON FILE IN THE OFFICE OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF FORT WAYNE, INDIANA.

THE VACATION OF THE ALLEY AS BEFORE MENTIONED SHALL BE SUBJECT TO AN EASEMENT FOR THE USE OF THE CITY OF FORT WAYNE AND OTHER PUBLIC UTILITIES FOR THE CONSTRUCTION AND MAINTENANCE OF SEWERS, WATER MAINS, ELECTRIC POLE LINES AND CONDUITS, TELEPHONE AND TELEGRAPH POLE LINES AND CONDUITS.

THE COST OF SAID VACATION AS ABOVE DESCRIBED SHALL BE ASSESSED AGAINST THE PROPERTY OWNERS BENEFICIALLY AFFECTED THEREBY.

THE PROPERTY WHICH MAY BE INJURIOUSLY OR BENEFICIALLY AFFECTED BY THE PROPOSED VACATION AS ABOVE DESCRIBED, IS DESCRIBED AS FOLLOWS: LOTS NUMBERED ONE (1), TWO (2), THREE (3), FOUR (4) AND FIVE (5) IN SCHROEOER'S SUBDIVISION TO THE CITY OF FORT WAYNE, INDIANA, ALSO THAT PART OF EWING'S SUB. OF E. O. L. NUMBER 16 IN SECTION 3-30-12 EAST, SEVENTY-FOUR FEET (74') SOUTH OF SCHROEOER'S SUBDIVISION EAST OF ST. MARY'S AVENUE AND WEST OF SHERMAN BOULEVARD LOT NUMBER THIRTEEN (13) AND LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF FORT WAYNE, INDIANA.

ALL ACCORDING TO THE METHOD AND MANNER PROVIDED FOR IN AN ACT OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, ENTITLED "AN ACT CONCERNING MUNICIPAL CORPORATIONS", APPROVED MARCH 6, 1905 AND THE PROVISIONS OF ALL ACTS AMENDATORY THERETO AND SUPPLEMENTAL THEREOF, INCLUDING THE RIGHT TO BOND ASSESSMENTS AS IN SAID LAW ORDERED.

ASSESSMENTS IF DEFERRED ARE TO BE PAID IN TEN EQUAL INSTALLMENTS WITH INTEREST AT THE RATE OF FIVE PER CENT (5%) PER ANNUM. UNDER NO CIRCUMSTANCES SHALL THE CITY OF FORT WAYNE, INDIANA BE OR BE HELD RESPONSIBLE FOR ANY SUM OR SUMS DUE FROM THE SAID PROPERTY OWNER OR OWNERS, OR FOR THE PAYMENT OF ANY BOND OR BONDS, EXCEPT FOR SUCH MONEYS AS SHALL HAVE BEEN ACTUALLY RECEIVED BY THE CITY FROM THE ASSESSMENTS FOR SUCH PROPERTY DAMAGES AS SAID CITY IS BY ABOVE SAID ENTITLED ACT REQUIRED TO PAY. ALL PROCEEDINGS HAD IN THE MAKING OF SAID IMPROVEMENT, ASSESSMENT OF PROPERTY, COLLECTIONS OF ASSESSMENTS AND ISSUANCE OF BONDS THEREFOR, SHALL BE AS PROVIDED FOR IN SAID ABOVE ENTITLED ACT AND ALL AMENDMENTS THERETO AND SUPPLEMENTS THEREOF.

ALL STREETS, LOTS AND LANDS AFFECTED BY THE ABOVE DESCRIBED ALLEY VACATION BEING SITUATED IN THE NORTHEAST QUARTER, SECTION THREE (3), TOWNSHIP THIRTY (30) NORTH, RANGE TWELVE (12) EAST, AND LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF FORT WAYNE, INDIANA.

ADOPTED THIS 10th DAY OF February, 1948

ATTEST

*Joseph M. Schwartz*

*Chaucey L. Griffith*

AVENUE AND RUNNING SOUTH FROM THE SOUTH LINE OF THE ALLEY



Declaratory Resolution No. 786 - 1948.

For the vacation of the first alley east of St. Mary's Avenue and running south from the south line of the alley south of High Street as plated and shown in the Plat of Schroeder's Subdivision to the City of Fort Wayne, Indiana.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana that it is deemed necessary to vacate the first alley south of High Street as plated and shown in the plat of Schroeder's Subdivision to the City of Fort Wayne, Indiana.

All as shown by a plan of such proposed alley vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said vacation as above described shall be assessed against the property owners beneficially affected thereby.

The property which may be injuriously or beneficially affected by the proposed vacation as above described, is described as follows; Lots numbered One (1), Two (2), Three (3), Four (4) and Five (5) in Schroeder's Subdivision to the City of Fort Wayne, Indiana, also that part of Ewings Sub. of E.O.L. No. 16 in Section 3-30-12 East, Seventy Four Feet (74') south of Schroeder's Subdivision East of St. Mary's Avenue and West of Sherman Street Lot No. Thirteen (13) and lying within the corporate limits of the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5%) per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collections of assessments and issuance of bonds therefor, shall be as provided for in said above intitled act and all amendments thereto and supplemental thereof.

All streets, lots, and lands affected by the above described alley vacation being situated in the North East Quarter, Section Three (3), Township thirty (30) north, Range Twelve (12) east, and lying within the corporate limits of the City of Fort Wayne, Indiana.

The vacation of the alley as before mentioned shall be subject to an easement for the use of the City of Fort Wayne and other Public Utilities for the construction and maintenance of sewers, water mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

Adopted this 10th day of February 1948.

Attest:

Joseph M. Schumtz

Chas. J. Gifford

Board of Public Works.

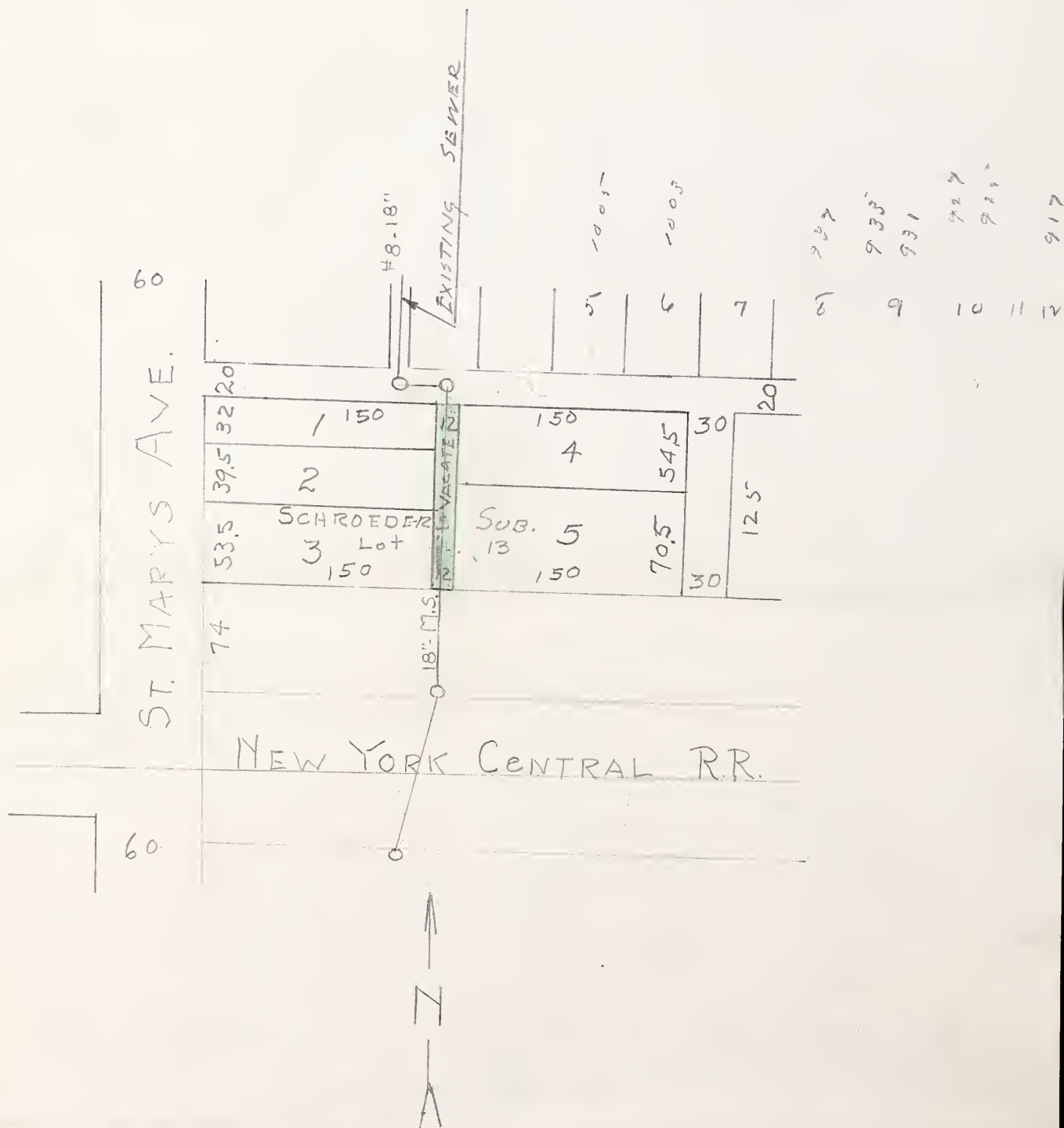


# City Of Fort Wayne Indiana



OFFICE OF  
ENGINEERING DEPARTMENT  
CHAUNCEY R. MCANLIS  
CITY ENGINEER

FORT WAYNE, INDIANA



January 30, 1948

William P. Schenkel and Sons  
1120 St. Mary's Avenue  
Fort Wayne 7, Indiana

Gentlemen:

In reference to a signed petition presented by you under date of January 24, 1948, for the vacation of the first alley east of St. Mary's Avenue and running south of High Street, in checking with the City Engineer's office, we are advised that the legal description is incomplete and should read as follows:

"For the vacation of the first alley east of St. Mary's Avenue from the south property line of the alley south of High Street to the north property line of The New York Central Railroad."

We are enclosing herewith, a petition containing the legal description. Kindly sign same and return to this office, immediately, that we may be able to order plans in our Regular Meeting of Tuesday, February 3rd, at 10:00 A. M.

Very truly yours,

BOARD OF PUBLIC WORKS,

By \_\_\_\_\_ Secretary

JMS:hs  
Enc. 1

PETITION

Fort Wayne, Ind.  
January 24, 1948

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, being all of the owners of the real estate abutting on the alley herein sought to be vacated, respectfully petition the Board of Public Works of the City of Fort Wayne, Indiana, to vacate the first alley east of St. Mary's Avenue and running south from the first alley south of High Street as shown in the Plat of Schroeder's Subdivision to the City of Fort Wayne. The undersigned, William P. Schenkel, William F. Schenkel, Norbert J. Schenkel, H. Joseph Schenkel, and Cletus P. Schenkel are the owners of all the real estate abutting on the east and west sides of said alley and the undersigned, Kenneth R. Sines and Mabel M. Sines, are the owners of the real estate abutting on the southern terminus of said alley.

Respectfully submitted,

William P. Schenkel

William F. Schenkel

Norbert J. Schenkel

H. Joseph Schenkel

Kenneth R. Sines

Mabel M. Sines

Cletus P. Schenkel





PLANS ORDERED: FEB. 3, 1948





